

WASHINGTON STATE  
EXECUTIVE ETHICS BOARD  
2425 Bristol Court SW – 1<sup>st</sup> Floor Conference Room 148 – Olympia, WA

May 13, 2005  
Regular Meeting Minutes

**A. Preliminary Business**

**1. Roll Call**

The regular meeting of the Washington State Executive Ethics Board (EEB) was called to order by Chair Paul Zellinsky at 9:05 a.m. Also present were Vice Chair Trish Akana, and Members Marilee Scarbrough and Judy Golberg. Member Evelyn Yenson arrived at 10:10 a.m. Board staff in attendance included: Executive Director Susan Harris, Kent Nakamura, Senior Assistant Attorney General Linda Moran, Investigator Sue Jones, and Assistant Attorney General Mike Tribble.

**2. Approval of Agenda**

Chair Zellinsky asked that the agenda be modified to include a discussion about a potential advisory opinion request from the Public Hospital Review Board. This issue will be Item D on the agenda. MOTION was made and carried.

**3. Approval of April 8, 2005 Minutes**

Vice Chair Akana noted grammatical errors and omissions. She also asked that Section 3, Approval of March 11, 2005 Minutes, fourth paragraph, reflect that the Board's discussion was not limited to "buy downs" or the splitting of the cost of an item valued at over \$50 among several individuals so that the cost per person giving the gift is less than \$50.

MOTION made and carried to approve the minutes as amended.

**B. Staff Reports**

**1. Executive Director's Report**

Ms. Harris noted that the Board and Executive Director have been invited to a reception on May 25 sponsored by the King County Board of Ethics. The Members asked that Ms. Harris attend.

Ms Harris also provided the Members with a draft brochure developed for new state employees. The brochure will be finalized in a few weeks.

Ms. Harris updated the Members on staffing issues.

Ms. Harris indicated that, starting next Wednesday, she has reinstated the monthly meetings of the Agency Ethics Advisors group.

## **2. AAG Report**

Senior Assistant Attorney General Linda Moran briefed the Members on their ability to lobby. Currently, the Members are only allowed to appear at public hearings before the Legislature. In order for them to otherwise communicate with the Governor or Legislators, a statutory change is needed. However, since the only definition of lobbying is contained in RCW 42.17, the Members could draft a rule that would clarify that communicating with the Governor or Legislators on matters directly pertaining to RCW 42.52 qualifies as an appearance.

The Members asked Ms. Harris to proceed with the rule-making.

Ms. Moran also discussed her role as advisor to the Board.

## **3. Other Staff Reports**

No other staff reports were given.

## **C. Advisory Opinions**

### **1. The Public Hospital Review Board**

Kent Nakamura briefed the Members on the history of an advisory opinion previously sought by the Public Hospital Review Board that was eventually withdrawn. That board is considering asking the Members to once again consider its request.

The Members agreed to review materials given them and continue with a discussion at the next Board Meeting.

### **2. Use of Public Resources for Educational Purposes**

Mr. Nakamura presented the Members with a copy of a draft Frequently Asked Question (FAQ) on whether an agency's computer equipment may be used by an employee for the purposes of on-line training or other educational purposes. Based on discussion at last month's Board Meeting, Mr. Nakamura drafted the FAQ.

The Members agreed that staff will include this issue on the agenda for the Advisors Group meeting and will report back at the next Board Meeting on any comments received.

## **D. Public Comment/Board Member Comment**

It was noted that Brian Jensen from DIS and Marie Stephan, the Internal Audit Manager with the Department of Transportation were present.

## **E. Executive or Closed Session**

At 10:30 a.m. the Board moved into Executive Session to receive and evaluate complaints against public employees or officers. Staff and Board counsel were in attendance.

**F. Miscellaneous Matters/Adjournment**

The Board returned to public session at 12:05 p.m. and there being no miscellaneous matters, the meeting was adjourned.